



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Research and
Special Programs
Administration**

FEB 16 2005

DOT-E 12516
(THIRD REVISION)

EXPIRATION DATE: January 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Poly-Coat Systems, Inc.
Houston, Texas
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, mark, sale and use of a non-DOT specification glass fiber reinforced plastic (GFRP) cargo tank conforming with all regulations applicable to a DOT Specification 412/407, except as specified herein, for the transportation in commerce of the materials authorized by this exemption. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 107.503(b) and (c) in that the manufacturer is not required to hold an ASME U stamp or National Board R stamp; §§ 173.241, 173.242 and 173.243 in that a non-DOT specification cargo tank, constructed of glass fiber reinforced plastic, is not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Poly-Coat Systems, Inc. dated January 24, 2005, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Materials Description | | | |
|--|------------------------|-----------------------|---------------|
| Proper Shipping Name | Hazard Class/ Division | Identification Number | Packing Group |
| Class 8 material authorized to be transported in a lined DOT 412 cargo tank, Class 8 liquid and solid waste materials/specific chemical name or generic description as appropriate | 8 | As appropriate | I, II or III |
| Class 3 liquid or solid waste materials/specific chemical name or generic description as appropriate | 3 | As appropriate | I, II or III |
| Division 6.1 liquid or solid waste materials/specific chemical name or generic description as appropriate | 6.1 | As appropriate | I, II or III |
| Class 9 liquid or solid waste materials/specific chemical name or generic description as appropriate | 9 | As appropriate | III |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The authorized packaging is a non-DOT specification glass fiber reinforced plastic cargo tank conforming with all regulations applicable to a DOT Specification 412/407, except as specified herein. Each tank must have a design pressure of 35 psig and a design margin of 4.0:1. Maximum tank capacity may not exceed 5500 gallons. Each tank must be designed and constructed in accordance with Poly-Coat Systems drawings dated 3/15/00 entitled FRP TANKER - 5500 GALLONS, sheets 1, 2 and 3 of 3,

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and with calculations and specifications on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). Each tank must be in compliance with §§ 173.241, 173.242 or 173.243, as prescribed in the Hazardous Materials Table (§ 172.101), except that Special Provisions, B15 and B23 are waived. In addition, it must meet all requirements for a DOT-407 and DOT 412 specification cargo tank motor vehicle (§§ 178.347 and 178.348), except as follows:

1. §§ 178.345-1, 178.347-1 and 178.348-1: Any references to ASME Code requirements do not apply
2. §§ 178.345-2 and -3; 178.347-2; and 178.348-2: Type of material, wall thickness and lining requirements do not apply. Tank shell, heads and fittings must be constructed of GFRP in accordance with the data on file with the OHMEA. Shell design must be based on extreme dynamic loadings in described in § 178.345-3(c)(2).
3. § 178.345-4: Joint weld requirements do not apply.
4. § 178.345-7: Circumferential reinforcement requirements do not apply.
5. § 178.345-10(c): Pressure relief provisions for location do not apply.
6. § 178.345-14: Specification plate and name plate requirements must be appropriately modified to reflect compliance with terms of this exemption.
7. § 178.345-15 Certification: The manufacturer's certificate retained by the motor carrier must be appropriately modified to reflect compliance with terms of this exemption.
8. § 180.413: Repairs must be performed by the tank manufacturer. Any modification, stretching or rebarrelling must be authorized in writing by OHMEA.

b. OPERATIONAL CONTROLS -

- (1) Tanks that are to be used in transporting Class 3 waste materials must be equipped with a spring loaded relief valve.

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(2) The compatibility of commodities and the GFRP cargo tank must be based on ASTM C 581 "Standard Test Method for Chemical Resistance of Thermosetting Resins Used in Glass Fiber Reinforced Structures". Test reports must be maintained by the owner or manufacturer for as long as the cargo tank remains in active operation.

c. TESTING - Initial qualification testing must be in accordance with § 180.405, except that any references to ASME Code requirements do not apply. Periodic requalification must include a hydrostatic test and an annual inspection of lining, which must be performed as described in manufacturer's application. In addition to those items required to be examined by the visual inspections specified in § 180.407(d) and (e), the visual inspections must include detection of cracks, gouges, debonding at saddles, and liner deterioration.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modification or change is made to the package or its contents and it is offered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation. Each offeror must review the current copy of this exemption prior to loading hazardous materials into the cargo tank.

d. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

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e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

f. The Manufacturer's Data Report for the first cargo tank fabricated must be submitted to the Office of Hazardous Materials Exemptions and Approvals prior to the initial shipment of hazardous materials.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

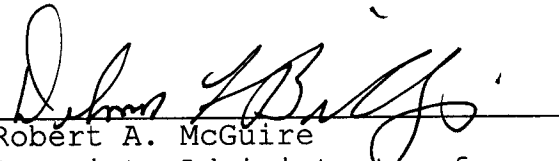
Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

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12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

for

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: PTolson/sln